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LOCAL GOVERNMENT (50 ILCS 205/) Local Records Act.

(50 ILCS 205/1) (from Ch. 116, par. 43.101)

Sec. 1. This Act may be cited as the Local Records Act.
(Source: P.A. 86-1475.)

(50 ILCS 205/2) (from Ch. 116, par. 43.102)

Sec. 2. This Act declares that a program for the efficient and economical management of local records will promote economy and efficiency in the day-by-day recordkeeping activities of local governments and will facilitate and expedite governmental operations.
(Source: Laws 1961, p. 3503.)

(50 ILCS 205/3) (from Ch. 116, par. 43.103)

Sec. 3. Except where the context indicates otherwise, the terms used in this Act are defined as follows:

"Agency" means any court, and all parts, boards, departments, bureaus and commissions of any county, municipal corporation or political subdivision.

"Archivist" means the Secretary of State.

"Born-digital electronic material" means electronic material created in digital form rather than converted from print or analog form to digital form.

"Commission" means a Local Records Commission.

"Court" means a court, other than the Supreme Court.

"Digitized electronic material" means electronic material converted from print or analog form to digital form.

"Officer" means any elected or appointed official of a court, county, municipal corporation or political subdivision.

"Public record" means any book, paper, map, photograph, born-digital electronic material, digitized electronic material, electronic material with a combination of digitized and born-digital material, or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer pursuant to law or in connection with the transaction of public business and preserved or appropriate for preservation by such agency or officer, or any successor thereof, as evidence of the organization, function, policies, decisions, procedures, or other activities thereof, or because of the informational data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of public record. Paper copies of registration records, as defined in Section 1 of the Library Records Confidentiality Act (75 ILCS 70/1), shall not be considered public records once the information contained in the paper registration records is transferred into a secure electronic format and checked for accuracy.
(Source: P.A. 99-147, eff. 1-1-16.)

(50 ILCS 205/3a) (from Ch. 116, par. 43.103a)

Sec. 3a. Reports and records of the obligation, receipt and use of public funds of the units of local government and school districts, including certified audits, management letters and other audit reports made by the Auditor General, County Auditors, other officers or by licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act and presented to the corporate authorities or boards of the units of local government, are public records available for inspection by the public. These records shall be kept at the official place of business of each unit of local government and school district or at a designated place of business of the unit or district. These records shall be available for public inspection during regular office hours except when in immediate use by persons exercising official duties which require the use of those records. The person in charge of such records may require a notice in writing to be submitted 24 hours prior to inspection and may require that such notice specify which records are to be inspected. Nothing in this Section shall require units of local government and school districts to invade or assist in the invasion of any person's right to privacy.

(Source: P.A. 94-465, eff. 8-4-05.)

(50 ILCS 205/3b)

Sec. 3b. Arrest records and reports.

(a) When an individual is arrested, the following information must be made available to the news media for inspection and copying:

(1) Information that identifies the individual, including the name, age, address, and photograph, when and if available.

(2) Information detailing any charges relating to the arrest.

(3) The time and location of the arrest.

(4) The name of the investigating or arresting law enforcement agency.

(5) If the individual is incarcerated, the amount of any bail or bond.

(6) If the individual is incarcerated, the time and date that the individual was received, discharged, or transferred from the arresting agency's custody.

(b) The information required by this Section must be made available to the newsmedia for inspection and copying as soon as practicable, but in no event shall the time period exceed 72 hours from the arrest. The information described in paragraphs (3), (4), (5), and (6) of subsection (a), however, may be withheld if it is determined that disclosure would:

(1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(2) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or

(3) compromise the security of any correctional facility.

(c) For the purposes of this Section the term "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(d) Each law enforcement or correctional agency may charge fees for arrest records, but in no instance may the fee exceed the actual cost of copying and reproduction. The fees may not include the cost of the labor used to reproduce the arrest record.

(e) The provisions of this Section do not supersede the confidentiality provisions for arrest records of the Juvenile Court Act of 1987.

(f) All information, including photographs, made available under this Section is subject to the provisions of Section 2000 of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 98-555, eff. 1-1-14; 99-363, eff. 1-1-16.)

(50 ILCS 205/3c)

Sec. 3c. Severance agreements due to sexual harassment and sexual discrimination.

(a) When a unit of local government, school district, community college district, or other local taxing body enters a severance agreement with an employee or contractor because the employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as defined by the Illinois Human Rights Act or Title VII of the Civil Rights Act of 1964, the public body shall publish on its Internet website, if one is maintained, and make available to the news media for inspection and copying within 72 hours of the taxing body's approval of the severance agreement the following information:

- (1) the full name and title of the person receiving payment under the severance agreement;
- (2) the amount of the payment;
- (3) that the employee or contractor was found to have engaged in sexual harassment or sexual discrimination, as applicable; and
- (4) the date, time, and location of the meeting at which the taxing body approved the severance agreement.

For the purposes of this subsection (a), "news media" means personnel of a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

(b) The information required to be provided by this Section may be withheld if it is determined that disclosure would:

- (1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency;
- (2) interfere with pending or actually and reasonably contemplated legal or administrative proceedings instigated by the complainant of the sexual harassment or discrimination at issue, including, but not limited to, proceedings under the Illinois Human Rights Act, Title VII of the Civil Rights Act of 1963, or civil law;
- (3) result in the direct or indirect disclosure of the identity of a complainant who has not consented to disclosure of his or her identity; or
- (4) endanger the life or physical safety of the complainant of the sexual harassment or discrimination at issue.

(c) No unit of local government, school district, community college district, or other local taxing body shall incur liability as a result of its compliance with this Section, except for willful or wanton misconduct.

(d) The requirements of subsection (a) of this Section do not supersede the confidentiality provisions of the severance

agreement.

(e) Nothing in this Section shall limit disclosure of public records required to be disclosed under this Act or the Freedom of Information Act.

(Source: P.A. 100-1040, eff. 8-23-18.)

(50 ILCS 205/4) (from Ch. 116, par. 43.104)

Sec. 4. (a) Except as otherwise provided in subsection (b) of this Section, all public records made or received by, or under the authority of, or coming into the custody, control or possession of any officer or agency shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law. Any person who knowingly, without lawful authority and with the intent to defraud any party, public officer, or entity, alters, destroys, defaces, removes, or conceals any public record commits a Class 4 felony.

Court records filed with the clerks of the Circuit Court shall be destroyed in accordance with the Supreme Court's General Administrative Order on Recordkeeping in the Circuit Courts. The clerks of the Circuit Courts shall notify the Supreme Court, in writing, specifying case records or other documents which they intend to destroy. The Supreme Court shall review the schedule of items to be destroyed and notify the appropriate Local Records Commission of the Court's intent to destroy such records. The Local Records Commission, within 90 days after receipt of the Supreme Court's notice, may undertake to photograph, microphotograph, or digitize electronically any or all such records and documents, or, in the alternative, may transport such original records to the State Archives or other storage location under its supervision.

The Archivist may accept for deposit in the State Archives or regional depositories official papers, drawings, maps, writings and records of every description of counties, municipal corporations, political subdivisions and courts of this State, when such materials are deemed by the Archivist to have sufficient historical or other value to warrant their continued preservation by the State of Illinois.

The officer or clerk depositing such records may, upon request, obtain from the Archivist, without charge, a certified copy or reproduction of any specific record, paper or document when such record, paper or document is required for public use.

(b) Upon request from a chief of police, county sheriff, or State's Attorney, if a person has been arrested for a criminal offense and an investigation reveals that the person arrested was not in fact the individual the arresting officer believed him or her to be, the law enforcement agency whose officers made the arrest shall delete or retract the arrest records of that person whom the investigation revealed as not the individual the arresting officer believed him or her to be. In this subsection (b):

"Arrest records" are as described in Section 3b of this Act.

"Law enforcement agency" means an agency of a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.

(Source: P.A. 98-1063, eff. 1-1-15; 99-363, eff. 1-1-16.)

(50 ILCS 205/5) (from Ch. 116, par. 43.105)

Sec. 5. The Archivist shall be local records advisor and shall appoint such assistants as necessary to assist local governments in carrying out the purposes of this Act.

(Source: Laws 1961, p. 3503.)

(50 ILCS 205/6) (from Ch. 116, par. 43.106)

Sec. 6. For those agencies comprising counties of 3,000,000 or more inhabitants or located in or coterminous with any such county or a majority of whose inhabitants reside in any such county, this Act shall be administered by a Local Records Commission consisting of the president of the county board of the county wherein the records are kept, the mayor of the most populous city in such county, the State's attorney of such county, the County comptroller, the State archivist, and the State historian. The president of the county board shall be the chairman of the Commission.

For all other agencies, this Act shall be administered by a Local Records Commission consisting of a chairman of a county board, who shall be chairman of the Commission, a mayor or president of a city, village or incorporated town, a county auditor, and a State's attorney, all of whom shall be appointed by the Governor, the State archivist, and the State historian.

A member of either Commission may designate a substitute.

Either Commission may employ such technical, professional and clerical assistants as are necessary.

Either Commission shall meet upon call of its chairman.

(Source: P.A. 100-201, eff. 8-18-17.)

(50 ILCS 205/7) (from Ch. 116, par. 43.107)

Sec. 7. Disposition rules. Except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained.

The Commission shall issue regulations which shall be binding on all such officers. Such regulations shall establish procedures for compiling and submitting to the Commission lists and schedules of public records proposed for disposal; procedures for the physical destruction or other disposition of such public records; procedures for the management and preservation of electronically generated and maintained records; and standards for the reproduction of such public records by photography, microphotographic processes, or digitized electronic format. Such standards shall relate to the quality of the film to be used, preparation of the public records for filming or electronic conversion, proper identification matter on such records so that an individual document or series of documents can be located on the film or digitized electronic form with reasonable facility, and that the copies contain all significant record detail, to the end that the copies will be adequate. Any public record may be reproduced in a microfilm or digitized electronic format. The agency may dispose of the original of any reproduced record providing: (i) the reproduction process forms a durable medium that accurately and legibly reproduces the original record in all details, that does not permit additions, deletions, or changes to the original document images, and, if electronic, that are retained in a trustworthy manner so that the records, and the information contained in the records, are accessible and usable for subsequent reference at all times while the information must be retained, (ii) the reproduction is retained for the prescribed retention period, and (iii) the Commission is notified when the original record is disposed of and also when the reproduced record is disposed of.

Such regulations shall also provide that the State archivist may retain any records which the Commission has authorized to be destroyed, where they have a historical value, and that the State archivist may deposit them in the State Archives, State Historical Library, or a university library, or with a

historical society, museum, or library.
(Source: P.A. 99-147, eff. 1-1-16.)

(50 ILCS 205/8) (from Ch. 116, par. 43.108)

Sec. 8. Any such reproduction shall be deemed to be an original public record for all purposes including introduction in evidence in all courts or before administrative agencies. A transcript, exemplification or certified copy of such reproduction shall, for all purposes recited herein, be deemed to be a transcript, exemplification, or certified copy of the original public record.
(Source: Laws 1961, p. 3503.)

(50 ILCS 205/9) (from Ch. 116, par. 43.109)

Sec. 9. Nonrecord materials or materials not included within the definition of records as contained in this Act may be destroyed at any time by the agency in possession of such materials without the prior approval of the Commission. The Commission may formulate advisory procedures and interpretations to guide in the disposition of nonrecord materials.
(Source: Laws 1961, p. 3503.)

(50 ILCS 205/10) (from Ch. 116, par. 43.110)

Sec. 10. The head of each agency shall submit to the appropriate Commission, in accordance with the regulations of the Commission, lists or schedules of public records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant their further preservation. The head of each agency shall also submit lists or schedules proposing the length of time each records series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency. The Commission shall determine what public records have no administrative, legal, research or historical value and should be destroyed or otherwise disposed of and shall authorize destruction or other disposal thereof. No public record shall be destroyed or otherwise disposed of by any Local Records Commission on its own initiative, nor contrary to law. This Section shall not apply to court records as governed by Section 4 of this Act.
(Source: P.A. 85-1278.)

(50 ILCS 205/11) (from Ch. 116, par. 43.111)

Sec. 11. Both Commissions with the assistance of the Secretary of State and State Archivist, shall establish a system for the protection and preservation of essential local records necessary for the continuity of governmental functions in the event of emergency arising from enemy action or natural disaster and for the reestablishment of local government thereafter.
(Source: Laws 1961, p. 3503.)

(50 ILCS 205/12) (from Ch. 116, par. 43.112)

Sec. 12. Both Commissions shall with the assistance of the Secretary of State and State Archivist determine what records are essential for emergency government operation through consultation with all branches of government, state agencies, and with the Illinois Emergency Management Agency, to determine what records are essential for post-emergency government operation and provide for their protection and preservation and provide for the security storage or relocation of essential local records in the event of an emergency arising from enemy attack or natural disaster.
(Source: P.A. 99-147, eff. 1-1-16.)

(50 ILCS 205/13) (from Ch. 116, par. 43.113)

Sec. 13. In any case where public records have been reproduced by photography, microphotography or other reproductions on film, in accordance with the provisions of this Act, any person or organization shall be supplied with copies of such photographs, microphotographs, or other reproductions on film upon payment of the required fee to the officer having custody thereof. The fee required to be paid shall be the actual cost of such copies, plus a service charge of 15% of such cost. (Source: Laws 1961, p. 3503.)

(50 ILCS 205/14) (from Ch. 116, par. 43.114)

Sec. 14. Part 5 of Article 9 of the Uniform Commercial Code is subject to the provisions of this Act. (Source: P.A. 91-893, eff. 7-1-01.)

(50 ILCS 205/14a)

Sec. 14a. Procedures for the disposal of election records. The provisions of the Election Code do not supersede the provisions of this Act with regard to procedures for the disposal of election records. Local election authorities must comply with the provisions of this Act when destroying or disposing of public records. (Source: P.A. 96-475, eff. 8-14-09.)

(50 ILCS 205/15) (from Ch. 116, par. 43.115)

Sec. 15. Beginning July 1, 1984, the provisions of Section 3a of this Act, as it relates to inspection of records, shall apply only as to records and reports prepared or received prior to this date. Records and reports prepared or received on or after July 1, 1984, shall be covered under the provisions of "The Freedom of Information Act", approved by the 83rd General Assembly. (Source: P.A. 83-1013.)

(50 ILCS 205/20)

Sec. 20. Internet posting requirements.

(a) A unit of local government or school district that serves a population of less than 1,000,000 that maintains an Internet website other than a social media website or social networking website shall, within 90 days of the effective date of this amendatory Act of the 98th General Assembly, post to its website for the current calendar year a mechanism, such as a uniform single email address, for members of the public to electronically communicate with elected officials of that unit of local government or school district, unless such officials have an individual email address for that purpose.

(b) For the purposes of this Section "Internet website" shall not include any social media website, social networking website, or any other social media presence that a unit of local government or school district maintains.

(c) A hyperlink to the information required to be posted under this Section must be easily accessible from the unit of local government's or school district's home page.

(d) The postings required by this Section are in addition to any other posting requirements required by law or ordinance.

(e) No home rule unit may adopt posting requirements that are less restrictive than this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(Source: P.A. 98-930, eff. 1-1-15.)